

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANNA SIBETO,)	
Plaintiff,)	Civil Action No. 13-1674
)	
vs.)	Judge Mark R. Hornak/
)	Chief Magistrate Judge Maureen P. Kelly
)	
CAPELLA UNIVERSITY,)	Re: ECF No. 33
Defendant.)	

ORDER

AND NOW, this 18th day of March, 2015, following consideration of Defendant Capella University's Motion for Protective Order and Memorandum of Law, ECF Nos. 33 and 34; Plaintiff's Response in Opposition and Brief in Opposition, ECF Nos. 35 and 36; Defendant's Reply Memorandum, ECF No. 39; and Capella University's Objections and Answers to Plaintiff's First Set of Interrogatories and Objections and Responses to Plaintiff's First Request for Production of Documents, ECF No. 33-1, IT IS HEREBY ORDERED that the Motion for Protective Order is GRANTED IN PART and DENIED IN PART.

Plaintiff Anna Sibeto was enrolled in the Professional Studies Doctoral Program (the "Program") from 2003 to 2012 at Defendant Capella University, an online for-profit university. In early 2012, she was terminated from the Program by Capella for failure to complete her dissertation. Plaintiff has brought claims for breach of contract and violation of the Pennsylvania Unfair Trade Practices and Consumer Protection Law. Specifically, Plaintiff alleges a myriad of misrepresentations and deceptive practices engaged in by Capella to induce people to enroll in the Program. Following enrollment, Plaintiff alleges that Capella made additional ongoing

misrepresentations and engaged in a pattern of conduct solely intended to keep students enrolled and paying tuition. Capella denies the allegations.

In the pending Motion for Protective Order, Capella moves this Court to issue an order protecting Capella from producing information and documentation in response to Interrogatory Nos. 13 -15 and 19 and Requests for Production of Documents Nos. 8 and 9. Capella argues that “these requests are not reasonably calculated to lead to the discovery of admissible evidence, are overbroad, unduly burdensome, vague and ambiguous, and designed to harass the University rather than gather information and material related to Plaintiff’s claims.” ECF No. 33. Plaintiff opposes the instant Motion on the grounds that the requested information is reasonably calculated to lead to the discovery of admissible evidence, that she needs the information to assess the nature and quality of the Program and to determine whether other students in the Program had similar experiences.

In the context of the scope of discovery permitted by Federal Rule of Civil Procedure 26(b), Capella is order to respond to the identified discovery requests only as to the time period of 2000 to 2012 and only as to Program at issue in this case.

- a) As to Interrogatory No. 13 – Capella is to respond only to subparts (a) and (b) and answer subpart (c) by providing separate numbers as to the number of student who withdrew and the number of students who were dismissed from the Program.
- b) As to Interrogatory No. 14 – Capella is to provide the initials of the student; the number of semesters or academic reporting periods enrolled in the Program; whether the student was dismissed or required to withdraw from the Program; and the date of dismissal or withdrawal. (A protective order was previously agreed to by the parties.)
- c) As to Interrogatory No. 15 – Capella must respond.
- d) As to Interrogatory No. 19 – Capella is to identify the programs and promotions in effect to incentivize employees and faculty to enroll students in the Program or to keep them enrolled in the Program, regardless of the students’ abilities to meet Capella’s dissertation standards.

e) As to Request for Production No. 8 – Capella is to produce any documents related to the programs or promotions in effect to incentivize employees and faculty to enroll students in the Program or keep them enrolled in the Program, regardless of the students' abilities to meet Capella's dissertation standards.

f) As to Request for Production No. 9 – Capella is to provide the requested documents.

The identified discovery responses must be provided by April 10, 2015.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Maureen P. Kelly", is written over a horizontal line.

MAUREEN P. KELLY
CHIEF UNITED STATES MAGISTRATE JUDGE

cc: All Parties of Record Via CM-ECF